

violation of a law, regulation or policy, a medical review officer may conduct a review or investigation (again, to assure that the use is not a legal, legitimate or approved use). Such medical review is often used in the case where a positive result is found, but where a positive result is found for a prospective new employee (before employment is commenced or any agreement to do so is met), the medical review process may be foregone and the prospective new hire simply not hired. Similarly, where a test kit is used (e.g., an on-site test kit) for a prospective new hire before a more reliable laboratory test is performed, a test kit result of non-negative may cause the sponsoring entity (the employer, e.g.) to simply forego the laboratory test and simply not hire the prospective new hire. Relevant in this regard is the fact that one of the purposes of the medical review process is to improve or assure the integrity of the testing. Another step taken to assure the integrity of the test result and specifically to improve the likelihood that a test or testing process will withstand a legal challenge by, e.g., a tested individual whose employment has been terminated due to a positive result, is the use of a custody and control forms (also referred to as a chain of custody form).

It is of note that support for the amendment indicated in the above replacement paragraph is found on page 2 at lines 20-21, as follows: "An additional step involves analytical specimen testing in, e.g., a laboratory or, sometimes, onsite (at the collection site such as the workplace, e.g.)."

P-23

*gjm
9/19/07*
Please replace the paragraph from page 17, lines 24-28 of the originally filed application (Par. [0045] of Pub. No. US 2004/0117060), with the following amended paragraph:

Figure-3 Exhibit B shows a sample custody and control form. The custody and control form may mirror the federally mandated form used in collections for those employees under the regulations of the Department of Transportation (DOT) and may be used for DOT-mandated tests and testing. This form may also be used for Non-DOT purposes and may be identified as a non-regulated collection in those situations.